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EXAMINER

REKSTAD, ERICK J

ART UNIT	PAPER NUMBER
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2613

DATE MAILED: 05/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/004,270	Applicant(s) SKALA ET AL.	
	Examiner Erick Rekstad	Art Unit 2613	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is a Final Rejection for application no. 10/004270 in response to the Amendment filed on December 01, 2004 in which claims 1-38 are presented for examination.

Response to Arguments

Applicant's arguments with respect to claims 1-38 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

Claims 20-23 are objected to because of the following informalities: The claims require the use of a scrolling wheel but then state the use of a wheel. All statements of "wheel" must be corrected to "scrolling wheel" in these claims. Appropriate correction is required.

Double Patenting

Applicant is advised that should claim 24 be found allowable, claim 34 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Applicant is advised that should claim 29 be found allowable, claim 36 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two

claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 112

Claims 2 and 3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 recites the limitation "direction" in the second line but then bases the speed on a "distance" that has not been defined. There is insufficient antecedent basis for this limitation in the claim. The claim is similar to claims 12, 25 and 30 which all base the speed on the distance the wheel is from the center point.

Claim 3 recites the limitation "distance" in the second line but then bases the altering of the moving image on a "direction" that has not been defined. There is insufficient antecedent basis for this limitation in the claim. The claim is similar to claims 13, 26 and 31 which all base the alteration on the direction the wheel is from the center point.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6, 8, 9, 11-15, 17, 18, and 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,604,531 to Iddan et al. in view of US Patent 5,519,828 to Rayner.

[claims 1 and 11]

As shown in Figure 1, Iddan teaches a system and method for observing an image stream, the method comprising:

Accepting images acquired by a swallowable in-vivo device (10) disposed within a body lumen;

Displaying the images on a monitor (18) in the form of a moving image (Col 3 Lines 12-26, Col 4 Lines 56-62);

Iddan further teaches the video data can be stored in a storage unit (19 Fig. 1) before being processed by the data processor (14 Fig. 1) in order to be viewed on the display (18 Fig. 1). Iddan does not teach the accepting a signal from a wheel; and altering the direction or speed of the display of the moving image according to the signal.

As shown in Figure 2, Rayner teaches a video editing system which provides the user the ability to view the video provided by a video storage device (50) at different speeds and different directions as required by the claims (Col 2 Lines 34-52, Col 5 Lines 53-58, Figs 5 and 6). The speed and direction are controlled by a mouse (70, Fig. 4), a Knob (81, Fig. 6) or other cursor control device (Col 9 Lines 58-59, Col 10 Line 35-Col 11 Line 52). It would have been obvious to use the video editing system of Rayner with the video storage (19) of Iddan in order to provide an operator interface that

allows interactive and efficient positioning within the video sequence (Col 2 Lines 34-37).

[claims 2, 3, 12, and 13]

As shown in Figures 5 and 6, Rayner further teaches by moving the wheel a set distance from a center point causes the moving image to be displayed at a variable speed, the speed being based on the distance, and the display direction is altered by the set direction from a center point (Col 10 Lines 35-Col 11 Lines 52). As noted above, it would have been obvious to use the video editing system of Rayner with the video storage (19) of Iddan in order to provide an operator interface that allows interactive and efficient positioning within the video sequence (Col 2 Lines 34-37).

[claims 4-6, 14, and 15]

Rayner further teaches the movement of a set distance of the wheel causes a particular frame of the moving image to be displayed and represents a single movement of the moving image as required by claims 4, 5, 13 and 14 (Col 7 Lines 15-30). Rayner further teaches the moving image is displayed in variable speed as required by claims 6 and 15 (Col 5 Lines 53-59 and Col 10 Lines 35-50). As noted above, it would have been obvious to use the video editing system of Rayner with the video storage (19) of Iddan in order to provide an operator interface that allows interactive and efficient positioning within the video sequence (Col 2 Lines 34-37).

[claims 8 and 17]

Rayner teaches the use of a knob (81) as shown in Figure 6. It would have been obvious to one of ordinary skill in the art at the time of the invention that the knob is a scrolling wheel (Official Notice).

[claims 9 and 18]

As shown in Figure 1, Iddan teaches the swallowable in-vivo device is a capsule (10) (Col 1 Lines 55-61).

[claim 20]

Claim 20 is a grouping of claims 1, 4 and 8. Therefore claim 20 is rejected under the same grounds as restated below.

As shown in Figure 1, Iddan teaches a system and method for observing an image stream, the method comprising:

Accepting images acquired by a swallowable in-vivo device (10) disposed within a body lumen;

Displaying the images on a monitor (18) in the form of a moving image (Col 3 Lines 12-26, Col 4 Lines 56-62);

Iddan further teaches the video data can be stored in a storage unit (19 Fig. 1) before being processed by the data processor (14 Fig. 1) in order to be viewed on the display (18 Fig. 1). Iddan does not teach the accepting a signal from a wheel; and altering the direction or speed of the display of the moving image according to the signal.

As shown in Figure 2, Rayner teaches a video editing system which provides the user the ability to view the video provided by a video storage device (50) at different speeds and different directions as required by the claims (Col 2 Lines 34-52, Col 5

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Lines 53-58, Figs 5 and 6). The speed and direction are controlled by a mouse (70, Fig. 4), a Knob (81, Fig. 6) or other cursor control device (Col 9 Lines 58-59, Col 10 Line 35-Col 11 Line 52). It would have been obvious to use the video editing system of Rayner with the video storage (19) of Iddan in order to provide an operator interface that allows interactive and efficient positioning within the video sequence (Col 2 Lines 34-37).

Rayner further teaches the movement of a set distance of the wheel causes a particular frame of the moving image to be displayed and represents a single movement of the moving image (Col 7 Lines 15-30).

Rayner teaches the use of a knob (81) as shown in Figure 6. It would have been obvious to one of ordinary skill in the art at the time of the invention that the knob is a scrolling wheel (Official Notice).

[claim 21]

Claim 21 is a grouping of claims 1, 3 and 8. Therefore claim 21 is rejected under the same grounds as restated below.

As shown in Figure 1, Iddan teaches a system and method for observing an image stream, the method comprising:

Accepting images acquired by a swallowable in-vivo device (10) disposed within a body lumen;

Displaying the images on a monitor (18) in the form of a moving image (Col 3 Lines 12-26, Col 4 Lines 56-62);

Iddan further teaches the video data can be stored in a storage unit (19 Fig. 1) before being processed by the data processor (14 Fig. 1) in order to be viewed on the display (18 Fig. 1). Iddan does not teach the accepting a signal from a wheel; and altering the direction or speed of the display of the moving image according to the signal.

As shown in Figure 2, Rayner teaches a video editing system which provides the user the ability to view the video provided by a video storage device (50) at different speeds and different directions as required by the claims (Col 2 Lines 34-52, Col 5 Lines 53-58, Figs 5 and 6). The speed and direction are controlled by a mouse (70, Fig. 4), a Knob (81, Fig. 6) or other cursor control device (Col 9 Lines 58-59, Col 10 Line 35-Col 11 Line 52). It would have been obvious to use the video editing system of Rayner with the video storage (19) of Iddan in order to provide an operator interface that allows interactive and efficient positioning within the video sequence (Col 2 Lines 34-37).

As shown in Figures 5 and 6, Rayner further teaches by moving the wheel a set distance from a center point causes the moving image to be displayed at a variable speed, the speed being based on the distance, and the display direction is altered by the set direction from a center point (Col 10 Lines 35-Col 11 Lines 52).

Rayner teaches the use of a knob (81) as shown in Figure 6. It would have been obvious to one of ordinary skill in the art at the time of the invention that the knob is a scrolling wheel (Official Notice).

[claims 22 and 23]

Claim 22 is a grouping of claims 11 and 17. Claim 23 is a grouping of claims 11, 14 and 17. Therefore claims 22 and 23 are rejected under the same grounds as restated below.

As shown in Figure 1, Iddan teaches a system and method for observing an image stream, the method comprising:

Accepting images acquired by a swallowable in-vivo device (10) disposed within a body lumen;

Displaying the images on a monitor (18) in the form of a moving image (Col 3 Lines 12-26, Col 4 Lines 56-62);

Iddan further teaches the video data can be stored in a storage unit (19 Fig. 1) before being processed by the data processor (14 Fig. 1) in order to be viewed on the display (18 Fig. 1). Iddan does not teach the accepting a signal from a wheel; and altering the direction or speed of the display of the moving image according to the signal.

As shown in Figure 2, Rayner teaches a video editing system which provides the user the ability to view the video provided by a video storage device (50) at different speeds and different directions as required by the claims (Col 2 Lines 34-52, Col 5 Lines 53-58, Figs 5 and 6). The speed and direction are controlled by a mouse (70, Fig. 4), a Knob (81, Fig. 6) or other cursor control device (Col 9 Lines 58-59, Col 10 Line 35-Col 11 Line 52). It would have been obvious to use the video editing system of Rayner with the video storage (19) of Iddan in order to provide an operator interface that allows interactive and efficient positioning within the video sequence (Col 2 Lines 34-37).

Rayner further teaches the movement of a set distance of the wheel causes a particular frame of the moving image to be displayed and represents a single movement of the moving image as required by claim 23 (Col 7 Lines 15-30).

Rayner teaches the use of a knob (81) as shown in Figure 6. It would have been obvious to one of ordinary skill in the art at the time of the invention that the knob is a scrolling wheel (Official Notice).

Claims 7, 16 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iddan and Rayner as applied to claims 1 and 11 above, and further in view of US Patent 6,865,718 to Levi Montalcini.

[claims 7 and 16]

As shown above Iddan and Rayner teach the requirements of claims 1 and 11. Rayner further teaches the speed and direction are controlled by a mouse (70, Fig. 4), a Knob (81, Fig. 6) or other cursor control device (Col 9 Lines 58-59, Col 10 Line 35-Col 11 Line 52). Rayner does not teach the specific type of mouse that includes a scrolling wheel.

As shown in Figure 1, Levi Montalcini teaches the prior art computer mouse which includes a scrolling wheel for use to scroll text or document or image shown on a visual display. It would have been obvious to one of ordinary skill in the art at the time of the invention to use to mouse of Levi Montalcini with the method and system of Iddan and Rayner as it is well known in the art to use a mouse with a scrolling wheel to scroll text or document or image shown on a visual display.

[claim 38]

Claim 38 is a grouping of claims 11 and 16. Therefore claim 38 is rejected under the same grounds as shown above for claims 11 and 16.

Claims 10 and 19 rejected under 35 U.S.C. 103(a) as being unpatentable over Iddan and Rayner as applied to claim 1 above, and further in view of US Patent 6,240,312 to Alfano et al.

[claims 10 and 19]

Iddan teaches the use of a capsule camera for monitoring the digestive system, specifically the small and large intestines (Col 3 Lines 12-22 and Col 4 Lines 15-20). Though it is well known in the art that the gastrointestinal tract is a part of the large intestines, Alfano teaches the use of a swallowed capsule camera in order to view the gastrointestinal route (Col 4 Lines 30-34). It would have been obvious to one of ordinary skill in the art at the time of the invention to use the capsule camera system of Iddan for viewing the gastrointestinal tract as taught by Alfano.

Claims 24-27, 29-32, and 34-37 rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,604,531 to Iddan et al. in view of US Patent 5,519,828 to Rayner and further in view of US Patent 4,841,291 to Swix et al.

[claims 24, 29, 34 and 36]

As shown in Figure 1, Iddan teaches a system and method for observing an image stream, the method comprising:

Accepting images acquired by a swallowable in-vivo device (10) disposed within a body lumen;

Displaying the images on a monitor (18) in the form of a moving image (Col 3 Lines 12-26, Col 4 Lines 56-62);

Iddan further teaches the video data can be stored in a storage unit (19 Fig. 1) before being processed by the data processor (14 Fig. 1) in order to be viewed on the display (18 Fig. 1). Iddan does not teach the accepting a signal from a wheel, scrolling wheel or joystick; and altering the direction or speed of the display of the moving image according to the signal.

As shown in Figure 2, Rayner teaches a video editing system which provides the user the ability to view the video provided by a video storage device (50) at different speeds and different directions as required by the claims (Col 2 Lines 34-52, Col 5 Lines 53-58, Figs 5 and 6). The speed and direction are controlled by a mouse (70, Fig. 4), a Knob (81, Fig. 6) or other cursor control device (Col 9 Lines 58-59, Col 10 Line 35-Col 11 Line 52). Rayner does not teach the use of a joystick. It would have been obvious to use the video editing system of Rayner with the video storage (19) of Iddan in order to provide an operator interface that allows interactive and efficient positioning within the video sequence (Col 2 Lines 34-37).

Swix teaches the use of a cursor placement device such as a mouse. Swix further teaches the mouse could be replaced with a joystick, touch screen, or other pointing device and is an optional supplement to the cursor keys on the keyboard (Col 3 Lines 3-8). It would have been obvious to one of ordinary skill in the art at the time of the invention to replace the mouse of Rayner with the joystick of Swix as Rayner

teaches the use of any cursor control device and Swix teaches a joystick is a cursor device.

[claims 25, 26, 30, and 31]

As shown in Figures 5 and 6, Rayner further teaches by moving the wheel a set distance from a center point causes the moving image to be displayed at a variable speed, the speed being based on the distance, and the display direction is altered by the set direction from a center point (Col 10 Lines 35-Col 11 Lines 52). As noted above, it would have been obvious to use the video editing system of Rayner with the video storage (19) of Iddan in order to provide an operator interface that allows interactive and efficient positioning within the video sequence (Col 2 Lines 34-37).

[claims 27 and 32]

As shown in Figure 1, Iddan teaches the swallowable in-vivo device is a capsule (10) (Col 1 Lines 55-61).

[claims 35 and 37]

Claim 35 is a grouping of claims 24 and 25. Claim 37 is a grouping of claims 29 and 30. Therefore claim 35 and 37 are rejected under the same grounds as restated below.

As shown in Figure 1, Iddan teaches a system and method for observing an image stream, the method comprising:

Accepting images acquired by a swallowable in-vivo device (10) disposed within a body lumen;

Displaying the images on a monitor (18) in the form of a moving image (Col 3 Lines 12-26, Col 4 Lines 56-62);

Iddan further teaches the video data can be stored in a storage unit (19 Fig. 1) before being processed by the data processor (14 Fig. 1) in order to be viewed on the display (18 Fig. 1). Iddan does not teach the accepting a signal from a wheel, scrolling wheel or joystick; and altering the direction or speed of the display of the moving image according to the signal.

As shown in Figure 2, Rayner teaches a video editing system which provides the user the ability to view the video provided by a video storage device (50) at different speeds and different directions as required by the claims (Col 2 Lines 34-52, Col 5 Lines 53-58, Figs 5 and 6). The speed and direction are controlled by a mouse (70, Fig. 4), a Knob (81, Fig. 6) or other cursor control device (Col 9 Lines 58-59, Col 10 Line 35-Col 11 Line 52). Rayner does not teach the use of a joystick. It would have been obvious to use the video editing system of Rayner with the video storage (19) of Iddan in order to provide an operator interface that allows interactive and efficient positioning within the video sequence (Col 2 Lines 34-37).

Swix teaches the use of a cursor placement device such as a mouse. Swix further teaches the mouse could be replaced with a joystick, touch screen, or other pointing device and is an optional supplement to the cursor keys on the keyboard (Col 3 Lines 3-8). It would have been obvious to one of ordinary skill in the art at the time of the invention to replace the mouse of Rayner with the joystick of Swix as Rayner

teaches the use of any cursor control device and Swix teaches a joystick is a cursor device.

As shown in Figures 5 and 6, Rayner further teaches by moving the wheel a set distance from a center point causes the moving image to be displayed at a variable speed, the speed being based on the distance, and the display direction is altered by the set direction from a center point (Col 10 Lines 35-Col 11 Lines 52). As noted above, it would have been obvious to use the video editing system of Rayner with the video storage (19) of Iddan in order to provide an operator interface that allows interactive and efficient positioning within the video sequence (Col 2 Lines 34-37).

Claims 28 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iddan, Rayner and Swix as applied to claims 24 and 33 above, and further in view of US Patent 6,240,312 to Alfano et al.

[claims 28 and 33]

Iddan teaches the use of a capsule camera for monitoring the digestive system, specifically the small and large intestines (Col 3 Lines 12-22 and Col 4 Lines 15-20). Though it is well known in the art that the gastrointestinal tract is a part of the large intestines, Alfano teaches the use of a swallowed capsule camera in order to view the gastrointestinal route (Col 4 Lines 30-34). It would have been obvious to one of ordinary skill in the art at the time of the invention to use the capsule camera system of Iddan for viewing the gastrointestinal tract as taught by Alfano.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent 5,355,450 to Garmon et al.

US Patent 5,202,961 to Mills et al.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erick Rekstad whose telephone number is 571-272-7338. The examiner can normally be reached on 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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